CHAPTER 13

TRANSPARENCY AND ANTI-CORRUPTION

Section I: Transparency

Article 13.1: Definitions

For the purposes of this Chapter:

administrative ruling of general application means an administrative ruling, administrative act or interpretation that applies to all persons and factual situations that fall generally within its ambit and that establishes a norm of conduct but does not include:

(a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of the other Party in a specific case; or

(b) a ruling that adjudicates with respect to a particular act or practice;

regulatory measure means a law, rule or regulation related to any matter covered by this Agreement.

Article 13.2: Publication and Public Access

1. Each Party shall ensure that its regulatory measures and administrative rulings of general application with respect to any matter covered by this Agreement are promptly published or otherwise made available, including in electronic form, in such a manner as to enable interested persons and the other Party to become acquainted with them.

2. To the extent possible, according to its laws and regulations, each Party shall:

(a) publish in advance any regulatory measure that it proposes to adopt; and

(b) provide interested persons and the other Party a reasonable opportunity to comment on such proposed measures.

3. For the purpose of transparency and to the extent possible, when introducing or changing any regulatory measure, each Party shall endeavour to provide a reasonable period for its implementation between the date of promulgation and the date of the entry into force of such measure, in accordance with its legal system.

Article 13.3: Notification and Provision of Information

1. To the extent possible, each Party shall notify the other Party of any proposed or actual regulatory measure that the Party considers might materially affect the operation of this Agreement or otherwise substantially affect the interests of the other Party under this Agreement.

2. On request of the other Party, in accordance with its laws and regulations, a Party shall promptly provide information and respond to questions pertaining to any proposed or actual regulatory measure or administrative rulings of general application whether or not the other Party has been previously notified of such measure.

3. A Party shall, to the extent possible, give notification, convey any request, or provide information under this Article to the other Party through its contact points designated under each specific Chapter or as provided in Article 14.3 (Contact Points and Exchange of Information).

4. Without prejudice to paragraph 3, the information referred to in this Article related to regulatory measures or administrative rulings of general application shall be considered to have been notified or provided by a Party when the information has been made available by notification to the WTO in accordance with the WTO Agreement.

5. Any notification or information provided in accordance with this Article shall be without prejudice as to whether the regulatory measure is consistent with this Agreement.

Article 13.4: Administrative Proceedings

With a view to administering in a consistent, impartial, and reasonable manner all measures of general application affecting matters covered by this Agreement, each Party shall ensure, in its administrative proceedings applying such measures to particular persons, goods or services of the other Party in specific cases, that:

(a) wherever possible, persons of the Party that are directly affected by a proceeding are provided reasonable notice, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated, and a general description of any issues in controversy;

(b) such persons are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to any final administrative action, when time, the nature of the proceeding, and the public interest permit; and

(c) its procedures are in accordance with domestic laws.

Article 13.5: Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review and, where warranted, correction of final administrative actions regarding matters covered by this Agreement. Such tribunals shall be impartial and independent of the office or authority entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter.

2. Each Party shall ensure that, in any such tribunals or procedures, the parties to the proceeding are provided with the right to:

(a) a reasonable opportunity to support or defend their respective positions; and

(b) a decision based on the evidence and submissions of record or, where required by domestic law, the record compiled by the administrative or other relevant authority.

3. Each Party shall ensure, subject to appeal or further review as provided in its domestic law, that such decisions shall be implemented by, and shall govern the practice of, the office or authority with respect to the administrative action at issue.

Section II: Anti-Corruption

Article 13.6: General Provisions

1. The Parties affirm their commitment to prevent and combat bribery and corruption, including transnational bribery, in international trade, acknowledging the negative impact on governance, institutions, and sustainable economic development.

2. The Parties agree to promote integrity, transparency, and accountability in both public and private sectors, adopting appropriate measures within their legal frameworks to discourage corrupt practices.

Article 13.7: International Instruments

The Parties affirm their obligations under the *United Nations Convention against Corruption*, done at New York on 31 October 2003 (UNCAC) and other relevant international anti-corruption agreements to which they are parties, as well as their support for APEC anti-corruption principles and the promotion of anti-corruption practices in the private sector.

Article 13.8: Non-application of Dispute Settlement

No Party shall have recourse to dispute settlement under Chapter 15 (Dispute Settlement) for any matter arising under this Chapter.